

Article 9.5: Noise Abatement and Control

Division 3: Noise Abatement Contract Compliance (*"Noise Abatement Contract Compliance"* *added 9-18-1973 by O-11122 N.S.*)

§59.5.0301 Contract Provisions

(a) Contract

As used in this section, the term "contract" shall mean any written agreement or legal instrument whereby The City of San Diego is committed to expend, or does expend, public funds in consideration for work, labor, services, equipment, or any combination of the foregoing, except that the term "contract" shall not include:

- (1) Contracts for financial or other assistance entered into by The City of San Diego with any federal, state or other local governmental entity or agency.
- (2) Contracts, resolutions, indentures, declarations of trust, or other legal instruments authorizing or relating to (a) the purchase of insurance, (b) the authorization, issuance, award and sale of bonds, and (c) certificates of indebtedness, notes, or other fiscal obligations of the City.

(b) Contract Provisions

No contract shall be awarded or entered into by The City of San Diego unless such contract contains provisions requiring that:

Devices and activities which will be operated, conducted, or constructed pursuant to the contract and which are subject to the provisions of this Code, will be operated, conducted, or constructed without causing a violation of this article.

(c) Regulations

The Administrator may, from time to time, recommend to the City's Purchasing Agent and/or other City departments such specifications for the operation or construction of devices and activities pursuant to City contracts.

The Administrator shall make the recommendations necessary to achieve compliance with the provisions of this section.

- (d) No person shall cause or permit the operations of a device or conducting of an activity in such a way as to violate any provisions of a contract required by this action.
- (e) The provisions of this section shall not apply to those contracts awarded prior to three (3) months from the effective date (October 19, 1973) of this article.
(Amended 9-22-1976 by O-11916 N.S.)